

A / Reissue  
(02-01)  
51-0033  
MERCE

Please type a plus sign (+) inside this box  $\longrightarrow$

PTO/SB/50 (02-01)  
Approved for use through 01/31/2004 OMB 0651-0033  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
to a collection of information unless it displays a valid OMB control number.

## REISSUE PATENT APPLICATION TRANSMITTAL

Address to:  Assistant Commissioner for Patents Box Reissue Washington, DC 20231	Attorney Docket No.	Bayer 6708.2-Rei
	First Named Inventor	Shiokawa et al.
	Original Patent Number	USP 4,849,432
	Original Patent Issue Date (Month/Day/Year)	7/18/89
	Express Mail Label No.	EV 015940720 US

10/067190  
E1046 U.S. PTO



**APPLICATION FOR REISSUE OF:** ☒ *Utility Patent* ☐ *Design Patent* ☐ *Plant Patent*  
(Check applicable box)

### APPLICATION ELEMENTS (37 CFR 1.173)

### ACCOMPANYING APPLICATION PARTS

1. ☒ Fee Transmittal Form (PTO/SB/ 56)  
(Submit an original, and a duplicate for fee processing)
  2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
  3. ☒ Specification and Claims in double column copy of patent format (amended, if appropriate)
  4. ☐ Drawing(s) (proposed amendments, if appropriate)
  5. ☒ Reissue Oath/Declaration (original or copy)  
(37 C.F.R. § 1.175) (PTO/SB/51 or 52)
  6. ☒ Power of Attorney and Associate Power of Attorney
  7. Original U.S. Patent currently assigned? ☒ Yes ☐ No  
(If Yes, check applicable box(es))
    - ☒ Written Consent of all Assignees (PTO/SB/53)
    - ☐ 37 C.F.R. § 3.73(b) Statement (PTO/SB/96)
  8. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
  9. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all of the following are necessary)
    - a. ☐ Computer Readable Form (CFR)
    - b. Specification Sequence Listing on:
      - i ☐ CD-ROM (2 copies) or CD-R (2 copies); or
      - ii ☐ paper
    - c. ☐ Statements verifying identity of above copies
  10. ☒ Statement of status and support for all changes to the claims. See 37 CFR 1.173 (c).
  11. ☒ Original U.S. Patent for surrender (Tender of Offer)
    - ☐ Ribbonded Original Patent Grant
    - ☐ Statement of Loss (PTO/SB/55)
  12. ☒ Foreign Priority Claim (35 U.S.C. 119) (if applicable) in Declaration
  13. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
  14. ☐ English Translation of Reissue Oath/Declaration (if applicable)
  15. ☐ Preliminary Amendment
  16. ☐ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
  17. Other: Letter and Request for Declaration of Interference

### 18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Bruce S. Londa				
Address	Norris McLaughlin & Marcus, P.A.				
	220 East 42nd Street, 30th Floor			Zip Code	
City	New York	State	NY 10017	Fax	212-808-0844
Country	U.S.A.	Telephone	212-808-0700		

NAME (Print/Type)	Bruce S. Long	Registration No (Attorney/Agent)	33,531
Signature		Date	2-4-01

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT****\$740.00****Complete if Known**

Application Number	TBA
Filing Date	Concurrently Herewith
First Named Inventor	Kozo Shiokawa et al.
Examiner Name	TBA
Group Art Unit	TBA
Attorney Docket No.	Bayer 6708.2-Rei

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

14-1263

Deposit  
Account  
Name

Norris, McLaughlin &amp; Marcus

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	740.00
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					<b>\$740.00</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND**

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** =		
Independent Claims	-3** =	0	0.00
Multiple Dependent		0	0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

**\$0.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

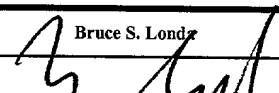
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non - English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

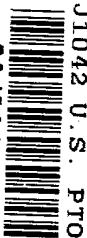
SUBTOTAL (3)

**SUBMITTED BY**

Name (Print/Type)	Bruce S. Londr	Registration No. (Attorney/Agent)	33,531	Telephone	212-808-0700
Signature		Date	Feb. 4, 2002		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



J1042 U.S. PTO

02/04/02

10067190 020402

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REISSUE APPLICATION FEE TRANSMITTAL FORM</b>						Docket Number <b>Bayer 6708.2-REI</b>		
Claims as Filed - Part 1								
Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 9	Total Claims (37 CFR 1.16(j))	(B) 9	**** 0 =	x \$ 9 =	\$0	or	x \$ 18 = \$0	
(C) 1	Independent claims (37 CFR 1.16(i))	(D) 1	* 0 =	x \$ 42 =	\$0		x \$ 84 = \$0	
Basic Fee (37 CFR					\$370		\$740	
Total Filing Fee					\$370		\$740	
Claims as Amended - Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	*** 9	MINUS	** 20	= 0	x \$ 9 =	\$0	x \$ 18 = \$0	
Independent Claims (37 CFR 1.16(i))	*** 1	MINUS	***** 1	= 0	x \$ 42 =	\$0	x \$ 84 = \$0	
Total Additional Fee					\$0	OR	\$0	

\* If the entry in (D) is less than the entry in (C), Write "0" in column 3.

\*\* If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.

\*\*\* After any cancellation of claims.

\*\*\*\* If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).

\*\*\*\*\* "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).

☐ Applicant claims small entity status. See 37 CFR 1.27.

☒ Please charge Deposit Account No. 14-1263 in the amount of \$740.  
A duplicate copy of this sheet is

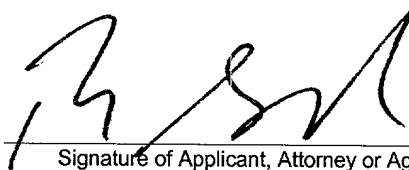
☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 14-1263.  
A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing / additional fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1-4-02  
 Date

  
 Signature of Applicant, Attorney or Agent of Record

**Bruce S. Londa**  
 Typed or printed name

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : KOZO SHIOKAWA ET AL.  
SERIAL NO. : Reissue Application of U.S. Patent 4,849,432,  
Issued July 18, 1989  
FILED : Herewith  
FOR : HETEROCYCLIC COMPOUNDS  
ART UNIT : To be assigned  
EXAMINER : To be assigned

---

**Box REISSUE**

Hon. Assistant Commissioner for Patents  
Washington, D.C. 20231

**LETTER  
AND  
REQUEST FOR DECLARATION OF INTERFERENCE**

Sir:

This is a reissue application based on U.S. Patent No. 4,849,432. A reissue application is already pending as Serial No. 08/254,202. The examiner has issued a restriction requirement in the pending reissue application. Accordingly, the present reissue application is necessary to cover subject matter which is considered non-elected in the pending reissue application. Further reissue applications are being filed simultaneously herewith, directed to different inventive groups. A reference to the further reissue applications will be added to the specification upon receipt of the serial numbers, pursuant to 37 CFR 1.177(a).

The present reissue application is restricted to the group in which  $X=N-R^2$ . The claims have been amended as shown in the attached copy of the patent. The amendments are as follows:

Claims 1, 2 and 9 are amended, and claim 6 is canceled, to delete subject matter which does not relate to the situation in which  $X=N-R^2$ .

As set forth in the copy of the reissue declaration from 08/254,202, an error in the original patent was found in claim 9 in that some species in which A=propylene were outside the definition of claim 1; from which claim 9 ultimately depends. This divisional reissue application overcomes this error by deleting those species from claim 9.

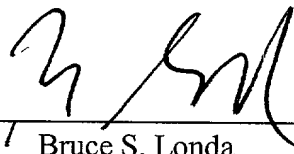
As to the required tender of offer of original patent, it is noted that there are now 5 pending reissue applications for the same patent. Therefore, the original patent can only be surrendered one time.

It is respectfully requested that an interference be declared between the present application and U.S. Patent No. 4,948,798 to Gsell. Applicants note that claim 3 of the present application and claim 9 of the Gsell patent claim the same invention. It is further respectfully pointed out that applicants should be designated as senior party in the interference, since applicants can show an earlier presumptive date of invention, based on a priority date of March 7, 1986. Gsell's earliest presumptive date of invention is the date of priority, namely August 4, 1987.

Whereby, favorable consideration is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By   
Bruce S. Londa  
Reg. No. 33,531

220 East 42<sup>nd</sup> Street  
30<sup>th</sup> Floor  
New York, NY 10017  
(212) 808-0700

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Kozo Shiokawa et al.**

Docket No.

**Bayer 6708.2-Rei**

Serial No.

**TBA**

Filing Date

**Concurrently Herewith**

Examiner

**TBA**

Group Art Unit

**TBA**Invention: **Heterocyclic Compounds**

I hereby certify that the following correspondence:

**Reissue Patent application Transmittal; specification and claims in double column format; copy of reissue declaration; associate power of attorney; copy of written consent of assignees; copy of Tender of Offer of original patent; information disclosure statement and letter***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

**February 5, 2002***(Date)***Kathleen D. Monical***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 015940720 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

Bayer 6708-REI-LH:gf  
Nit 204-US Yn/yn

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kozo Shiokawa, et al.  
Serial No. : (Reissue Application of U.S. Patent  
4,849,432, Issued July 18, 1989)  
For : NOVEL HETEROCYCLIC COMPOUNDS  
Art Unit : 129  
Examiner : J. Turnipseed

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

OFFER OF TENDER OF ORIGINAL  
PATENT 4,849,432 AND ORDER  
FOR TITLE REPORT

Sir:

Pursuant to the Rules of Practice, applicant for reissue of U.S. Patent 4,849,432 hereby offers to tender the original deed to said U.S. Patent 4,849,432, when and if it appears that the reissue application will be allowed and will mature into a reissue patent.

Nihon Tokushu Noyaku Seizo K.K., the assignee of U.S. Patent 4,849,432, when it issued by change of name because Nihon Bayer Agrochem K.K. There is submitted herewith a certified copy of a document evidencing such change of name along with a certified translation thereof. The assignee of the instant patent, by the assignment recorded on February 24, 1987, at Reel 4694, Frame 892, hereby authorizes the preparation of a title report to be placed in




the file of this application reflecting ownership of U.S. Patent  
4,849,432 for which reissue is sought.

Please charge any costs in connection with the title  
report to Deposit Account No. 02-1445.

Respectfully submitted,

SPRUNG HORN KRAMER & WOODS

By   
Leonard Horn  
Reg. No. 17,200

660 White Plains Road  
Tarrytown, NY 10591-5144  
(914) 332-1700

204020 06729007